

**2013-1455**

**In The United States Court Of Appeals  
For The Federal Circuit**

**POWER MANAGEMENT SOLUTIONS LLC,  
*Plaintiff-Appellant,***

**v.**

**ADVANCED MICRO DEVICES, INC.,  
*Defendant-Appellee.***

**Appeal from the United States District Court for the District of Delaware  
in case no. 12-CV-0426, Judge Richard G. Andrews.**

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**MOTION FOR LEAVE TO FILE JOINT APPENDIX  
ONE DAY OUT OF TIME**

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Comes now your Appellant, by and through undersigned counsel, and moves this Honorable Court for leave to file the Joint Appendix one day out of time. In support of this motion, Appellant presents the following:

1. The Joint Appendix in the instant case was due on October 31, 2013; the Joint Appendices in the related cases (2013-1456 and 2013-1457) were due October 28, 2013.
2. On October 24, 2013, Appellant's counsel forwarded to Gibson Moore Appellate Services the Physical Compilation Documents for all three cases, for use in preparing the final Joint Appendices.
3. On October 30, 2013, Counsel for Appellant, by way of an e-mail message, gave Gibson Moore Appellate Services approval and instructions for finalizing and filing the instant Joint Appendix.

4. Due to a technical issue, this message was not received by Gibson Moore Appellate Services; Counsel for Appellant did not become aware of this issue until the morning of November 1, 2013.
5. Counsel for Appellee has been consulted as to the filing of this Motion and has authorized the undersigned to represent that there is no objection to the relief requested herein.
6. This motion is made in good faith and not for the purpose of delay.

Wherefore, Appellant requests that the Joint Appendix filed today, November, 1, 2013, be accepted for filing one day out of time.

Respectfully Submitted,

/s/ Bryan Guy Harrison  
Bryan Guy Harrison  
Jeffrey Thomas Breloski  
MORRIS, MANNING & MARTIN, LLP  
1600 Atlanta Financial Center, Suite 1600  
Atlanta, GA 30326  
Telephone: (404) 233-7000  
Facsimile: (404) 365-9532

*Attorneys for Plaintiff-Appellant,  
Power Management Solutions LLC*

## **CERTIFICATE OF FILING AND SERVICE**

I hereby certify that, on this the 1st day of November, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered users:

Aaron R. Fahrenkrog  
ROBINS, KAPLAN, MILLER & CIRESI, LLP  
2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402  
(612) 349-8500

*Counsel for Appellee*

I further certify that, upon acceptance and request from the Court, the required paper copies of the foregoing will be deposited with United Parcel Service for delivery to the Clerk, UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 717 Madison Place, N.W., Washington, D.C. 20439.

The necessary filing and service were performed in accordance with the instructions given to me by counsel in this case.

/s/ Melissa A. Dockery  
Melissa A. Dockery  
GIBSON MOORE APPELLATE SERVICES  
421 East Franklin Street, Suite 230  
Richmond, VA 23219

## CERTIFICATE OF INTEREST

Counsel for appellant Power Management Solutions LLC, certifies the following:

(1) The full name of every party or amicus represented in the case by the attorney: Power Management Solutions LLC.

(2) The name of the real party in interest if the party named in the caption is not the real party in interest: not applicable.

(3) The corporate disclosure statement prescribed in Federal Rule of Appellate Procedure 26.1: Appellant states that Acacia Research Corporation is the ultimate parent company of Power Management Solutions LLC, owning, indirectly, 100 percent of Power Management Solutions LLC, and trading on NASDAQ Exchange under the ticker symbol: ACTG.

(4) The names of all law firms and the partners and associates that have appeared for the party in the lower tribunal or are expected to appear for the party in this court:

Bryan G Harrison  
Jeffrey T Breloski  
MORRIS, MANNING & MARTIN, LLP  
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*Attorneys for Appellant, Power Management Solutions LLC*

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**DECLARATION OF MELISSA A. DOCKERY IN SUPPORT OF  
MOTION FOR LEAVE TO FILE JOINT APPENDIX  
ONE DAY OUT OF TIME**

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I, Melissa A. Dockery, being over the age of 18, declare, under penalty of perjury that:

- 1) I am an employee of GIBSON MOORE APPELLATE SERVICES, LLC, which was retained Counsel for Appellant to prepare and file the Joint Appendix in the instant case, which was due on October 31, 2013.
- 2) The Joint Appendix was prepared on October 28, 2013, and was held pending approval from Counsel before filing.

- 3) On November 1, 2013, I was contacted by Counsel for Appellant, inquiring about the status of the Joint Appendix, which was approved for filing by way of a forwarded e-mail on October 30, 2013.
- 4) Due to an apparent technical error, the e-mail instructing the filing of the Joint Appendix was not received on October 30, 2013; another copy was sent and received this morning.
- 5) The Joint Appendix was filed within an hour after being made aware of the situation.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

/s/ Melissa A. Dockery  
Melissa A. Dockery  
GIBSON MOORE APPELLATE SERVICES  
421 East Franklin Street, Suite 230  
Richmond, VA 23219  
(804) 291-8033